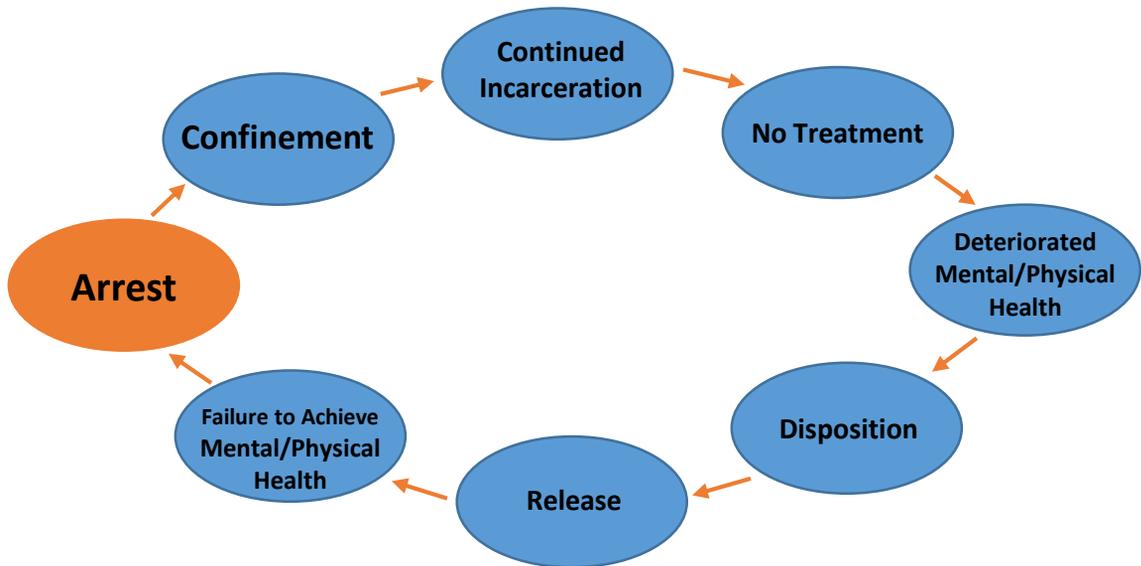


# Holistic Defense

**D. Grant Gibbons**  
**2<sup>nd</sup> Circuit Public Defender**  
**Aiken, SC**

## Traditional model of Representation of criminally charged individuals



## Changes to the Traditional Model

- During the last decade there has been a notable shift of attitudes and approaches to representation within the criminal defense community across the country.

There are different approaches being implemented today:

1. Client- Centered Defense.
  - a. Advocating for the client's wishes, not assuming the lawyer knows what is best.
  - b. Having client actively participate in defense.
  - c. Focus on client being informed and comfortable.
  
2. Community – Oriented Defense
  - a. Fosters strong ties with community groups and organizations.
  - b. Engage in policy initiatives that will help the community.
  - c. Works with schools, churches, etc.
  - d. Work toward long-term policy changes.

## Why Change?

Proponents of holistic representation believe that it can translate into greater stability and less contact with the criminal justice system.

- Public defenders have a unique chance to not only address a client's specific criminal charges but to use the trauma of a criminal arrest for positive gain by addressing specific life-issues that may have led to the alleged criminal activity.

## WHAT EXACTLY IS HOLISTIC DEFENSE?

Generally, Holistic defense is more of a paradigm shift than a regimented procedure.

It is a view of representation that attempts to address clients' legal issues along with any underlying life situations that may have driven them into the criminal justice system, or that may bring them back into the system.

## CORE PRINCIPLES OR PILLARS OF HOLISTIC DEFENSE

1. SEAMLESS ACCESS TO LEGAL AND NON-LEGAL SERVICES.
2. DYNAMIC, INTERDISCIPLINARY COMMUNICATION.
3. ADVOCATES WITH AN INTERDISCIPLINARY SKILL SET.
4. A ROBUST UNDERSTANDING OF, AND A CONNECTION TO, THE COMMUNITY BEING SERVED.

## **Life-issues that may lead clients to offend:**

- Substance abuse
- Public housing
- Immigration
- Lack of Education/Job skills
- Mental Health/Behavioral
- Financial
- Domestic situations

## **Some of the issues Holistic Defense can address:**

- Provide better life outcomes
- Prevent recidivism
- Reduce crime and enhance public safety
- Achieve these goals in a cost-effective fashion

## **Principles for Holistic Defense**

- Meet Clients' Needs
- Partner with the Community
- Fix Systemic Problems
- Educate the Public
- Collaborate
- Address Civil Legal Needs
- Pursue a Multidisciplinary Approach
- Seek Necessary Support

## HOW CAN WE DO THIS?

The Bronx Defenders model:

- **In-house** teams comprised of:
  - Criminal Attorneys
  - Civil Attorneys
  - Family Court Attorneys
  - Social Workers
  - Immigration specialists

For most offices, this approach is cost prohibitive.

That just means we have to be a little more creative.

## WAYS TO START IMPLEMENTING A HOLISTIC APPROACH IN SMALLER OFFICES:

- Create resident specialists within your existing staff, divide the focus areas.
- Approach local law schools about intern programs.
- Approach local colleges/universities about social worker intern programs.
- Community volunteers, churches, civic organizations, etc.
- Become personally familiar with local service providers.
- Become trained in spotting non-legal issues.
- Network with service and public benefit organizations.
- Seek local attorneys with appropriate skill sets. Ask about pro bono work.
- Foster a relationship with civil legal aid providers.
- Provide community service. Be in the community you serve. Make relationships.

## SEAMLESS ACCESS TO SERVICES

One of the **most effective** steps towards a holistic practice is to help clients and service providers get connected.

Many clients are going without needed services, because they either don't know services are available, or do not know how or where to get them.

Informing them about services is great. What if we could make them an appointment with the provider while they are in our office? What if we could go over requirements with them in one place? Provide maps? Provide phone numbers?

INITIAL SCREENING INFORMATION  
(all information obtained will be held confidential)

Date: \_\_\_\_\_

NAME: \_\_\_\_\_

WHERE WERE YOU BORN (STATE, COUNTRY): \_\_\_\_\_

ARE YOU CURRENTLY REPRESENTED BY THE PUBLIC DEFENDER'S OFFICE?  
PRIVATE ATTORNEY? \_\_\_\_\_

IF YES, WHAT IS YOUR ATTORNEY'S NAME? \_\_\_\_\_

PLEASE LIST ALL PENDING CHARGES: \_\_\_\_\_  
\_\_\_\_\_

ARE YOU PRESENTLY ON PROBATION OR PAROLE? \_\_\_\_\_

IF YES, WHO IS YOUR AGENT? \_\_\_\_\_

PLEASE LIST ALL CO-DEFENDENTS: \_\_\_\_\_  
\_\_\_\_\_

PLEASE LIST ALL VICTIMS AND ANY WITNESSES AGAINST YOU (if known): \_\_\_\_\_  
\_\_\_\_\_

DID YOU GIVE ANY STATEMENTS TO POLICE, WRITTEN OR VERBAL? \_\_\_\_\_  
(Please attach a copy of statement if available)

WHAT ARE THE CIRCUMSTANCES OF YOUR CASE? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# "JUST THE FACTS MAAM" APPROACH

# Sample Intake Form

**Gender (circle one):** Male Female

**Age:** \_\_\_\_\_

**Primary Language (circle one):** English Spanish French  
German Other

**Marital status (circle one):** Married Single Divorced  
Separated Cohabiting

**Highest Level of Education (circle one):** Less than high  
school High school  
Some college Bachelor's Degree Master's Degree  
Doctoral Degree Other

**Ethnicity (circle one):** White Black Latino/Hispanic  
Asian/Pacific Islander  
Biracial Multiracial

**Are you employed?** Yes No

**Are you a veteran of the United States military?** Yes No

**Are you a student?** Full-time or Part-time Yes No

**How many children do you have living at home under the age of 18?**

**Do you have any needs that you DO NOT have access to?** Yes  
No

**If yes (circle as many as needed):** Shelter Food Clothing  
Medication  
Medical Housing Employment Skills Training

**Who is your support system (family, friends, spouse, children, church)?**

**Are you in need of immigration representation?** Yes No

**Have you been diagnosed or suffer from any Mental/Emotional Illness?** Yes No

If Yes, please explain:

**Are you taking any medications?** Yes No

If yes, please explain:

**Describe your overall health?**

Case #1: Client A

Charge: Shoplifting 2<sup>nd</sup> Offense

- Appointed when client has been in jail for 10 days.
- Client stole canned meat.
- Client says he was in the Navy.
- No address

Case #2: Client B

Charge: Unlawful Conduct Towards a Child

- Client is undocumented alien.
- Child had been turned over to ex-husband.
- DSS is involved.
- Client has prior mental health diagnosis.
- Client has been given eviction notice at the jail.

Case #3: Client C

Charge: Unlawful Possession of a Pistol

- Client is on SSI for a mental issue.
- Client has alienated all relatives.
- Client lives in subsidized public housing.
- Client also is on food stamps.
- Client has been off medication for several months.
- Client waived representation, and stayed in the jail for 4 months.
- Prosecution is offering a time served sentence.
- Client is very unstable and borders on incompetency.